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Letter dated 26 September 2012 from the Permanent Representative of Chile to the United Nations addressed to the President of the General Assembly

I have the honour to transmit herewith the text of the written statement of the delegation of Chile (see annex) in exercise of the right of reply to the statement made by the President of the Plurinational State of Bolivia, Evo Morales, on 26 September 2012 at the sixty-seventh session of the General Assembly. I should be grateful if this letter and its annex could be circulated as a document of the Assembly.

(*Signed*) Octavio **Errázuriz**
Ambassador
Permanent Representative

12-52437 (E) 021012 031012

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Annex to the letter dated 26 September 2012 from the Permanent Representative of Chile to the United Nations addressed to the President of the General Assembly

Reply of Chile to the statement made by the President of the Plurinational State of Bolivia, Evo Morales, on 26 September 2012 at the sixty-seventh session of the General Assembly

1. In his statement at the sixty-seventh session of the General Assembly of the United Nations, the President of the Plurinational State of Bolivia made reference to his country's bilateral relationship with Chile and to its desire to gain sovereign access to the Pacific Ocean through Chilean territory.

2. In exercise of the right of reply, Chile reiterates and points out that there are no territorial issues pending between Chile and Bolivia. They were settled in 1904 by the free and agreed signing of the Treaty of Peace and Friendship between the two countries. This Treaty, validly negotiated more than 20 years after the conflict had ended, approved by the Chilean and Bolivian parliaments and ratified by both Governments, is fully in force and has been consistently observed by both parties.

3. Despite the absence of formal diplomatic relations, Chile has made every effort to comply in a full and timely manner with all the articles of the 1904 Treaty of Peace and Friendship. The free transit regime that Chile grants to Bolivia has been fully implemented and its application has been expanded and modernized to take account of new transport systems and international regulations. The facilities currently accorded to Bolivia far exceed those specified in the Convention on Transit Trade of Land-Locked States, and our country — as a transit State — has emphasized, in the relevant forums, the importance that it attaches to cooperation regarding this regime.

4. Bolivia does not have a presumed sovereign right of access to the sea through Chilean territory, as President Morales endeavours to suggest. Moreover, the 1904 Treaty of Peace and Friendship has not been violated or breached.

5. Bolivia has adopted positions that are contrary to the spirit of dialogue that should prevail in both Governments. We remind the General Assembly that the Constitution of the Plurinational State of Bolivia, approved in 2009, introduced provisions that contravene the framework of international law governing peaceful coexistence among nations and are therefore unenforceable against our country. Chile has made an express reservation with regard to those constitutional provisions, and to article 267 and the ninth transitional article of the Bolivian Constitution.

6. Our country has always been and will continue to be ready to engage in dialogue with Bolivia on the basis of full respect for the 1904 Treaty of Peace and Friendship and other existing bilateral treaties.

7. Lastly, we reiterate that, as this is a strictly bilateral issue, neither the United Nations nor any other international forum is competent to consider or rule on matters related to Chile's territorial integrity, particularly when they are covered by current boundary treaties.